

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Abdullah Ali,

Court File No.

Plaintiff,

vs.

HealthEx Corp., HealthEx Couriers LLC,
Joseph Montemarano and Dustin Hoffman,
as individuals,

NOTICE OF REMOVAL

Defendants.

**TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MINNESOTA**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants HealthEx Corp., HealthEx Couriers LLC, (“HealthEx”), and Defendants Joseph Montemarano and Dustin Hoffman (collectively, with HealthEx, “Defendants”), hereby give notice of removal of the above-captioned action currently pending in the Ramsey County District Court, State of Minnesota, to the United States District Court for the District of Minnesota. In support of its Notice of Removal, Defendants state as follows:

1. On or about October 22, 2019, Plaintiff, Abdullah Ali, (“Plaintiff”) commenced a civil action in the Ramsey County District Court in the State of Minnesota, by service on Defendant Dustin Hoffman, pursuant to Minnesota Rule of Civil Procedure 3.01. A true and correct copy of the Summons and Complaint is attached as Exhibit A.

2. Plaintiff claims in Counts VII-XI of his Complaint that Defendants violated certain provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, 29 U.S.C. § 211(c), and provisions of 42 U.S.C. § 1981.

3. ***Federal Question Jurisdiction Basis for Removal:*** Because it presents federal questions for adjudication, the above-entitled action may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.

4. Having original jurisdiction over Plaintiff's FLSA and Section 1981 claims pursuant to 28 U.S.C. § 1331, this Court also has supplemental jurisdiction over Plaintiff's Minnesota statutory and common law claims pursuant to 28 U.S.C. § 1367(a), as such claims form part of the same case or controversy.

5. ***Timing of Removal:*** Fewer than thirty (30) days have elapsed since October 22, 2019, when Plaintiff first served Defendant Hoffman with the Complaint. *See* 28 U.S.C. § 1446(b).

6. All Defendants consent to the removal of this action, as required by 28 U.S.C. § 1446(2)(b)(A).

7. Simultaneous with the filing of this Notice of Removal, Defendants have notified the Ramsey County District Court in the State of Minnesota of removal of this action. No other process, pleadings, or orders have been served or filed in this action.

8. True and correct copies of the Notice of Removal (with accompanying Exhibit) and the Notice of Filing of Notice of Removal directed to State Court will be served upon Plaintiff's counsel and filed with the Court Administrator of the Ramsey County District Court in the State of Minnesota on this date, in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that this action, now pending in the District Court for the County of Ramsey, Minnesota, be removed to the United States District Court for the District of Minnesota.

Date: November 11, 2019

s/ Benjamin D. Sandahl

Michael G. Congiu (#0397018)

mcongiu@littler.com

Benjamin D. Sandahl (#0397220)

bsandahl@littler.com

LITTLER MENDELSON, P.C.

1300 IDS Center

80 South 8th Street

Minneapolis, MN 55402.2136

Telephone: 612.630.1000

ATTORNEYS FOR DEFENDANTS

4827-4530-7563.1 068646.1000